

1 SENATE JOINT RESOLUTION 5

2 49TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2009

3 INTRODUCED BY

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10 A JOINT RESOLUTION

11 PROPOSING TO AMEND ARTICLE 9, SECTION 14 OF THE CONSTITUTION OF  
12 NEW MEXICO TO ALLOW, UNDER CERTAIN CONDITIONS, THE STATE OR ANY  
13 COUNTY OR MUNICIPALITY TO PROVIDE REAL ESTATE, IMPROVEMENTS,  
14 EQUIPMENT OR MONEY TO BE USED BY NONPROFIT ORGANIZATIONS THAT  
15 PROVIDE ESSENTIAL HEALTH OR HUMAN SERVICES TO THE PUBLIC ON  
16 BEHALF OF A COUNTY OR MUNICIPALITY.

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18 BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

19 Section 1. It is proposed to amend Article 9, Section 14  
20 of the constitution of New Mexico to read:

21 "Neither the state nor any county, school district or  
22 municipality, except as otherwise provided in this  
23 constitution, shall directly or indirectly lend or pledge its  
24 credit or make any donation to or in aid of any person,  
25 association or public or private corporation or in aid of any

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1 private enterprise for the construction of any railroad except  
2 as provided in Subsections A through [~~F~~] G of this section.

3 A. Nothing in this section prohibits the state or  
4 any county or municipality from making provision for the care  
5 and maintenance of sick and indigent persons.

6 B. Nothing in this section prohibits the state or  
7 any county or municipality from providing real estate,  
8 improvements, equipment or money for the use of a nonprofit  
9 organization that provides essential health or human services  
10 to the public on behalf of a county or municipality if the  
11 essential health or human services are provided pursuant to a  
12 contract between the nonprofit organization and the county or  
13 municipality and the contract also:

14 (1) identifies how the real estate,  
15 improvements, equipment or money will be used;

16 (2) identifies the specific essential health  
17 or human services that will be provided;

18 (3) provides that, upon termination or  
19 expiration of the contract, the real estate, improvements,  
20 equipment or unexpended money will be returned; and

21 (4) has been approved by the state board of  
22 finance or its successor agency as provided by law.

23 [~~B.~~] C. Nothing in this section prohibits the state  
24 from establishing a veterans' scholarship program for Vietnam  
25 conflict veterans who are post-secondary students at

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1 educational institutions under the exclusive control of the  
2 state by exempting such veterans from the payment of tuition.  
3 For the purposes of this subsection, a "Vietnam conflict  
4 veteran" is any person who has been honorably discharged from  
5 the armed forces of the United States, who was a resident of  
6 New Mexico at the original time of entry into the armed forces  
7 from New Mexico or who has lived in New Mexico for ten years or  
8 more and who has been awarded a Vietnam campaign medal for  
9 service in the armed forces of this country in Vietnam during  
10 the period from August 5, 1964 to the official termination date  
11 of the Vietnam conflict as designated by executive order of the  
12 president of the United States.

13 ~~[G.]~~ D. The state may establish by law a program of  
14 loans to students of the healing arts, as defined by law, for  
15 residents of the state who, in return for the payment of  
16 educational expenses, contract with the state to practice their  
17 profession for a period of years after graduation within areas  
18 of the state designated by law.

19 ~~[D.]~~ E. Nothing in this section prohibits the state  
20 or a county or municipality from creating new job opportunities  
21 by providing land, buildings or infrastructure for facilities  
22 to support new or expanding businesses if this assistance is  
23 granted pursuant to general implementing legislation that is  
24 approved by a majority vote of those elected to each house of  
25 the legislature. The implementing legislation shall include

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1 adequate safeguards to protect public money or other resources  
2 used for the purposes authorized in this subsection. The  
3 implementing legislation shall further provide that:

4 (1) each specific county or municipal project  
5 providing assistance pursuant to this subsection need not be  
6 approved by the legislature but shall be approved by the county  
7 or municipality pursuant to procedures provided in the  
8 implementing legislation; and

9 (2) each specific state project providing  
10 assistance pursuant to this subsection shall be approved by  
11 law.

12 [~~E-~~] F. Nothing in this section prohibits the  
13 state, or the instrumentality of the state designated by the  
14 legislature as the state's housing authority, or a county or a  
15 municipality from:

16 (1) donating or otherwise providing or paying  
17 a portion of the costs of land for the construction on it of  
18 affordable housing;

19 (2) donating or otherwise providing or paying  
20 a portion of the costs of construction or renovation of  
21 affordable housing or the costs of conversion or renovation of  
22 buildings into affordable housing; or

23 (3) providing or paying the costs of financing  
24 or infrastructure necessary to support affordable housing  
25 projects.

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1           ~~[F-]~~ G. The provisions of Subsection ~~[E]~~ F of this  
2 section are not self-executing. Before the described  
3 assistance may be provided, enabling legislation shall be  
4 enacted by a majority vote of the members elected to each house  
5 of the legislature. This enabling legislation shall:

6                   (1) define "affordable housing";

7                   (2) establish eligibility criteria for the  
8 recipients of land, buildings and infrastructure;

9                   (3) contain provisions to ensure the  
10 successful completion of affordable housing projects supported  
11 by assistance authorized pursuant to Subsection ~~[E]~~ F of this  
12 section;

13                   (4) require a county or municipality providing  
14 assistance pursuant to Subsection ~~[E]~~ F of this section to give  
15 prior formal approval by ordinance for a specific affordable  
16 housing assistance grant and include in the ordinance the  
17 conditions of the grant;

18                   (5) require prior approval by law of an  
19 affordable housing assistance grant by the state; and

20                   (6) require the governing body of the  
21 instrumentality of the state, designated by the legislature as  
22 the state's housing authority, to give prior approval, by  
23 resolution, for affordable housing grants that are to be given  
24 by the instrumentality."

25           Section 2. The amendment proposed by this resolution

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1 shall be submitted to the people for their approval or  
2 rejection at the next general election or at any special  
3 election prior to that date that may be called for that  
4 purpose.

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